

MINUTES

KANSAS BOARD OF VETERINARY EXAMINERS

Friday, April 29, 2011 at Wamego, Kansas

This meeting of the Kansas Board of Veterinary Examiners was called to order at 9:36am by Board President Dr. Vern Otte. Board Members in attendance in addition to Dr. Otte were Drs. Barta, Bogue, Olson, Painter, Carlson, and Mr. Correll. Also present were agency staff Dirk Hanson, Cheryl Mermis, and Larry O'Hara. Board General Counsel Athena Andaya and Board Litigation Counsel Laurie Kahrs were also present. Dr. Jay Hedrick, Chairman of the National Board of Veterinary Medical Examiners and former member of the Kansas Board of Veterinary Examiners was also present.

After review of the tentative agenda for this meeting, Dr. Painter moved to adopt the meeting agenda as proposed. Dr. Olson seconded the motion. This motion passed on a voice vote with no dissenting votes. Board members then reviewed the itinerary proposed for the day.

A public forum for non-agenda items was offered with no members of the public requesting to appear. No one from the public appeared or participated in this meeting. Mr. Correll did provide information to the board regarding the Independence Community College Veterinary Technician program currently under development. By consensus, the Board approved the agency director traveling to the facility to give an ethics and jurisprudence lecture session. *Veterinary Technology program*

Dr. Bogue then moved to approve the minutes from the February 2011 Board meeting. Dr. Painter seconded this motion. This motion passed on a voice vote with no dissenting votes.

The Board discussed legislative issues, both from this past session and for the session to occur next year.

Dr. Hanson first provided board members with a copy of the KVMA's position on HB2120, a bill proposing the creation of a 'streamlining commission', amending the bill to exclude fee funded agencies.

Dr. Hanson next updated board members on amendments to HB 2386, a bill regarding veterinary students performing spays and neuters at shelters and pounds.

The Board reviewed correspondence from a graduate of a foreign veterinary college asking what would be required for him to be legally able to perform veterinary surgery. The Board directed agency staff to communicate that the graduate has to get a Kansas veterinary license before he can lawfully do surgery.

Dr. Otte reported on a recent meeting of veterinary prescription monitoring program (PMP) task force. Dr. Otte reported that the task force will be identifying whether or not there is any significant level of incidence of members of the public accessing medications for their pet from their veterinarian which they subsequently divert for human use. The task force will be contacting other states where similar programs are now in place to see if such instances have been reported to have occurred. Dr. Otte reported responses to initial inquiries made to these states indicate no such instances have been documented to date. The task force is to meet again in November.

36 Ms. Kahrs next briefed the board regarding the association's proposed legislation changes to the
37 confidentiality statute KSA 47-839. Ms. Kahrs summarized the proposed legislation as an effort to elevate
38 the provision of confidentiality to a provision of privilege in the statute.

39 Dr. Otte reported that the association president has requested the each of the two organizations appoint 3
40 members for the purpose of meeting without either organization's counsel present to discuss whether or
41 not there is any issue with the current confidentiality statute. Some members of the Board expressed they
42 did not favor the idea of such an activity and their view that no changes are needed. It was suggested that
43 the association should instead bring changes they propose to the whole Board. The Board agreed that if
44 such a meeting is to occur, no action would be taken without first obtaining counsel advisement. Dr. Otte
45 said he would communicate with the association.

46 Dr. Hanson reported legislation was being worked on by the legislature whereby the state would not be
47 taking 20% of the agency's fee fund revenues for a two year period.

48 Dr. Otte briefed the Board that the AVMA Council on Education had recently accredited the University of
49 Mexico, which is a non-English speaking program. The consensus of the board was veterinary licensees
50 must have English communication proficiency. Ms Andaya agreed to do an analysis of the issue, and will
51 have report and possible approaches for the June meeting.

52 Dr. Jay Hedrick, Chairman of the National Board of Veterinary Medical Examiners (NBVME), next addressed
53 the Board. Dr. Hedrick asked the Board to provide feedback to the NBVME relative to national board
54 examination testing issues.

55 The Board next considered correspondence received by the agency regarding the Board's acceptance of the
56 Program of Assessment of Veterinary Education (PAVE). Dr. Carlson made and Dr. Olson seconded a motion
57 the Board approve PAVE as a college education equivalency assessment for graduates of non-accredited
58 veterinary colleges and begin pursuit of adoption of a regulation to that effect. The motion passed on a
59 voice vote with no dissenting votes.

60 The Board next reviewed recent communications from several national organizations.

61 First the Board reviewed communications from the American Association of Veterinary State Boards
62 (AAVSB) requesting nominations for its board. The Board directed agency staff to send a letter to Dr. Olson
63 to be considered nominee for a Director position next year.

64 A motion by Dr. Olson, seconded by Dr. Bogue to nominate Dr. Hedrick to a second term on the NBVME
65 Board passed without dissention.

66 The Board was provided information about the Southwest Veterinary States Leadership meeting.

67 The Board next reviewed correspondence received from an officer of the Kansas Veterinary Technical
68 Association (KVTA). The Board directed agency staff to respond that one of the Board members will be
69 participating in a national organization meeting to occur late this summer and the Board will look at this
70 matter using input obtained from that meeting.

71 The Board next considered correspondence received regarding equine massage therapy. Ms. Andaya
72 briefed the Board, and the Board directed Ms. Andaya to write and send a responsive communication that
73 the Board does not provide advisory opinions.

74 The Board next addressed veterinary license applications received by the agency. A motion by Dr. Carlson,
75 seconded by Dr. Barta that the Board's determination was that applicant Dr. M. L. Just has not practiced
76 veterinary medicine at least 3000 hours of in the most recent 3 years and has not passed the national exam
77 within 5 years passed on a voice vote with no dissenting votes. The Board directed staff to communicate to
78 the applicant that he is therefore not eligible for a license until he would either have a minimum of 3000
79 hour practicing, or take the national board exam.

80 At the previous meeting, the Board then asked Ms. Andaya two questions and asked that she research
81 these questions and provide an update/response to these questions at the next meeting of the Board.

82 On the question of does the Board have the statute authority to issue regulations on pain management,
83 Ms. Andaya responded the Board does have such authority. The Board asked staff to renew its efforts to
84 get the previously Board approved language on pain management resubmitted for passage as a regulation.

85 On the question of does the Board have the statute authority to ask if a person has been charged with a
86 felony on license applications or license renewals, Ms. Andaya responded her opinion is no.

87 Mr. O'Hara, at the direction of Dr. Hanson, then updated Board members regarding ongoing compliant case
88 status and reviewed recently completed cases.

89 Board members then reviewed dates for upcoming meetings. The next meeting of the Board will be on June
90 5, 2011 at the Union in Manhattan. Following that, dates for other meetings will be August 26, 2011 in
91 Wamego. Dr. Hanson reported the AAVSB conference in New Orleans is September 14-17 and the CVC
92 conference in Kansas City is August 27-30. The Board also approved the meeting dates of Friday, October 7,
93 and Friday December 9. For 2012, the Board will plan to meet on the evening of Tuesday, January 31, and
94 Wednesday February 1 in Topeka.

95 The Board inquired as to which of the Board members terms are expiring June 30. Staff provided the
96 information that Dr. Barta will complete his second four year term, and Dr. Otte will be completing his third
97 four year term on June 30. The Board asked these two members as to their interest in being nominated for
98 an additional subsequent term. Dr. Barta expressed his preference that he not be nominated for another
99 term. Dr. Otte expressed his thinking that he had probably been on long enough, that it would probably be
100 better to have someone new on the board, but that he would agree to serve another term if someone new
101 could not be found.

102 The Board next conducted its annual election of Board President and Vice-President. Dr. Olson was elected
103 President by acclamation. Dr. Painter was elected Vice-President by acclamation.

104 Having no other business to discuss at this time, Dr. Bogue moved to adjourn this meeting. Dr. Carlson
105 seconded this motion. This motion passed on a voice vote with no dissenting votes. This meeting was
106 adjourned at 2:27 pm.

